

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor: Akihiko NISHIO

Art Unit 2617

Appln. No.: 10/568,672

Exr. N. Huynh

Filed: February 17, 2006

Conf. No. 2716

For: WIRELESS COMMUNICATION APPARATUS AND SUBCARRIER  
ALLOCATION METHOD

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents  
Washington, DC 20231

Dear Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the documents listed on the attached Form PTO 1449. Attached is a Japanese Office Action dated December 8, 2009 issued in a corresponding Japanese Patent Application.

The cited art is listed in the attached PTO-1449 for an indication of consideration by the examiner. Copies of any references listed on the PTO-1449, besides U.S. patent documents, are submitted herewith. Cited Reference JP 2003-158500 is not included since it was previous filed in the Information Disclosure Statement of February 17, 2006.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see Beckman Instruments, Inc. v. Chemtronics, Inc., 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rules 104 and 106. Applicants respectfully request that this art be expressly considered during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

If any fee is due it may be charged to Deposit Account No. 04-1061.

Respectfully submitted,

/James Edward Ledbetter/

Date: February 22, 2010

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JEL/cms

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